

**EXHIBIT M**

**SPECIAL CONDITIONS FOR CONSTRUCTION ACTIVITIES ASSISTED PURSUANT TO  
TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS  
AMENDED**

1. Equal Opportunity

The following provisions shall apply to this Contract and any construction contract or subcontract having a value of more than \$10,000:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, gender, national origin, age, or disability. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, gender, national origin, age, or disability. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, gender, national origin, age, or disability.

(3) The contractor will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or worker's representative of the contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, as amended, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of the Executive Order 11246 of September 24, 1965, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, as amended, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, as amended, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, as amended, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The applicant further agrees that it will bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, that if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contractor or contract modifications subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violations of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions. Cancel, terminate, or suspend in whole or in part this grant (contract, loan insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

Contractor shall comply with the provisions of 41 CFR Part 60-4 relating to Construction Contracts -- Affirmative Action Requirements, in all solicitations and contracts for construction.

## 2. Nondiscrimination

A contractor may not, under any program or activity, directly or through contractual or other arrangements, on the ground of race, color, religion, gender, national origin, age, or

disability:

(1) Deny any facilities, services, financial aid, or other benefits provided under the program or activity.

(2) Subject to segregated or separate treatment in any facility in, or in any matter or process related to receipt of any service or benefit under the program or activity.

(3) Restrict in any way access to, or in the enjoyment of any advantage or privilege enjoyed by others in connection with facilities, services, financial aid, or other benefits under the program or activity.

(4) Treat an individual differently from others in determining whether the individual satisfied any admission, enrollment, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any facilities, service, or other benefits provided under the program or activity.

(5) Deny an opportunity to participate in a program or activity as an employee.

3. Nondiscrimination Based on Disability

No otherwise qualified individual with disabilities in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination in employment, services, housing, building and services accessibility or any other aspects of this program. The Contractor shall comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309) and the Americans with Disabilities Act of 1990.

4. Energy Efficiency

Contractor will observe all mandatory standards and policies relating to energy efficiency which are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (P.L. 94-163).

5. Ineligible Subcontractors

Contractors shall not use funds received pursuant to this contract to directly or indirectly employ, award, award contracts to, or otherwise engage the services of, or fund any contractor or subrecipient during the period of debarment, suspension, or placement on ineligibility status under the provisions of 24 CFR Part 24.

6. Architectural Barriers Act of 1968

Contractor shall comply with the Architectural Barriers Act of 1968, (42 U.S.C. 4151) and the Uniform Federal Accessibility Standards FED-STD-795 (April, 1988) subject to the exceptions contained in 41 CFR, Subpart 101-19.604.

7. Access to Records

The City, the U.S. Department of Housing and Urban Development, the Comptroller

General of the United States, the Government Accounting Office or any of their duly authorized representatives shall have access to any books, documents, papers and records of contractor which are pertinent to any activity performed under this contract for the purpose of making audit, examination, excerpts, and transcriptions. Contractor shall keep and maintain such books, documents, paper and records for a period of at least three years after all claims and audits arising out of this contract are fully settled and concluded.

8. Contracting with Minority, Women's, and Disadvantaged Business Enterprises

Pursuant to national policy to outreach and utilize Minority, Women's, and Disadvantaged business enterprises, contractor shall take affirmative steps to assure that Minority, Women, and Disadvantaged are utilized when possible as sources of supplies, equipment, construction, and services. Such affirmative steps shall include the following:

(1) Include qualified Minority, Women's, and Disadvantages businesses on solicitation lists.

(2) Assure that Minority, Women's, and Disadvantaged businesses are solicited whenever they are potential sources.

(3) When economically feasible, divide total requirements into small tasks or quantities so as to permit maximum Minority, Women's, and Disadvantaged business participation.

(4) Consider using the services and assistance of the Small Business Administration, the Office of Minority Business Enterprise of the Department of Commerce and the Community Services Administration as required.

(5) Include affirmative steps, one through five in any subcontract.